THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 11646 of 2002

Dated: 28.09.2006

Between:

Steel Plant Canteen Employees Union, affiliated to CITU, Regd. No.D-1261/92, Sector-II, Old Health Centre, Ukkunagaram,Visakhapatnam, rep. by its General Secretary,
B. Kannababu, S/o Babu Rao, aged about 40 years,
R/o Kotharasalamma Colony, Rajeevnagar, Visakhapatnam District,
and others.

.... PETITIONERS

AND

Rashtriya Ispat Nigam Limited, Visakhapatnam Steel Plant, rep. by its Chairman-cum-Managing Director, Visakhapatnam Steel Project, Visakhapatnam, Visakhapatnam District and another.

.....RESPONDENTS

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Order:

By this writ petition, petitioner Nos. 2 to 9 seek to direct the 1st respondent-Steel Plant to treat them as regular employees, regularize their services, and to pay the allowances from the date of their joining as workers in the canteens of the 1st respondent-Steel Plant.

When the matter is taken up for hearing today, learned Standing Counsel for the 1st respondent-Steel Plant submits that earlier when similarly placed persons filed W.P. Nos.14296 of 1992 and 26501 of 1996 seeking to treat them as regular employees of the 1st respondent-Steel Plant, this Court passed a common order in the said writ petitions by observing that the workers working in seven statutory canteens which were established under statutory obligation and run by the respondent either directly or through contractor, are workmen of the establishment for the purpose of the Factories Act only, and the rest of the relief sought by the workmen working in non-statutory canteens was dismissed. Aggrieved by the said orders, they preferred appeals in W.A. Nos.339 and 1814 of 2001, and a Division Bench of this Court, by common judgment, dated 23.01.2006, dismissed the same upholding the judgment of the learned single judge. Against that, SLP was filed and the same was also dismissed. He submits that since the issue raised in the present writ petition is squarely covered by the said judgment of the Division Bench of this Court, the present writ petition is also liable to be dismissed.

On the other hand, learned counsel for the petitioners submits

that even though the appeals and SLP, filed by the similarly placed persons, were dismissed, the observations made by the learned single Judge with regard to the benefits, for which the workmen are entitled to under the Factories Act, are not rejected either by the appellate authority or by the Supreme Court.

At this juncture, learned Standing Counsel for the 1st respondent-Steel Plant fairly conceded that whatever benefits the workmen are entitled to under the Factories Act, the same benefits are being extended to them by the 1st respondent-Steel Plant, as observed by the learned single Judge of this Court.

In the circumstances, recording the said statement made by the learned Standing Counsel for the 1st respondent-Steel Plant, the writ petition is closed. No costs.

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N.V. RAMANA, J.

Date: 28.09.2006
Nsr/lsl